

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GEMINI INSURANCE COMPANY,

Plaintiff,

v.

ACELLA PHARMACEUTICALS, LLC,  
HAROLD ARTHUR DEAS, THOMAS  
JEFFREY BRYANT, NEIL AKERMAN AND  
SHEILA AKERMAN,

Defendants.

CASE NO: 18-cv-4378

**NOTICE OF SETTLEMENT PENDING APPROVAL FROM  
THE COURT IN THE UNDERLYING LIABILITY ACTION**

The parties to this coverage action and the parties to the underlying liability action have reached full settlement agreements that resolve all the issues in this action, including any outstanding motion(s). The settlement agreement in the underlying liability action is pending approval by the Supreme Court of the State of New York, Kings County, in the underlying liability action, *Neil Akerman, et al. v. Acella Pharmaceuticals, LLC, et al.* (Index Number: 0002390/2014). Upon approval of the settlement agreement in the underlying liability action by the Supreme Court, the parties in this action will file a Joint Stipulation of Dismissal with prejudice of this action, with the parties to bear their own attorney's fees and costs.

Dated: February 6, 2019

Respectfully submitted,

/s/SINA BAHADORAN  
SINA BAHADORAN  
sina.bahadoran@clydeco.us  
Clyde & Co US LLP  
1221 Brickell Avenue  
Suite 1600  
Miami, Florida 33131  
305.446.2646

*Attorney for Plaintiff Gemini Insurance  
Company*

Respectfully submitted,

/s/ Raymond A. Mascia, Jr. 2/22/2019  
WILLIAM GORMAN PASSANNANTE  
wpassannante@andersonkill.com  
RAYMOND A. MASCIA, JR.  
rmascia@andersonkill.com  
Anderson Kill P.C. (N.Y.)  
1251 Avenue of the Americas  
New York, New York 10020  
212-278-1000

*Attorneys for Defendants Acella  
Pharmaceuticals, LLC  
Harold Arthur Deas  
Thomas Jeffrey Bryant*

Respectfully submitted,

/s/ Harry Isaac Rothenberg  
HARRY ISAAC ROTHENBERG  
450 7th Ave., 44th Fl.  
New York, NY 10123  
(212)-563-0100  
Email: harry@injurylawyer.com

**RICHARD CHARLES REILLY**  
Gleason, Dunn, Walsh & O'Shea, Attorneys  
40 Beaver Street  
Albany, New York 12207  
(518)-432-7511  
Email: rreilly@gdwo.net

*Attorneys for Defendants  
Neil Akerman and  
Sheila Akerman*